

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA, §
§
VS. § CRIMINAL ACTION NO. 2:13-CR-554
§
ROSENDO BARBOSA, *et al.*, §
§
Defendants. §

ORDER

Rosendo Barbosa filed a motion to appeal *in forma pauperis* (D.E. 65) from this Court's denial of his motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c) and Amendment 782 to the sentencing guidelines and a motion to appoint counsel for appeal. D.E. 66. Barbosa previously qualified for appointed counsel in these proceedings. D.E. 7. Barbosa's motion to appeal *in forma pauperis* (D.E. 65) is GRANTED.

Although a defendant in a § 3582(c) motion does not have a statutory or constitutional right to appointment of counsel, the Court may appoint counsel in the interest of justice. *See United States v. Robinson*, 542 F.3d 1045, 1051-52 (5th Cir. 2008) (appointing counsel on appeal in contested § 3582(c) proceeding). The Court denies Barbosa's motion to appoint counsel for appeal of the denial of his motion for sentence reduction on the ground that the issue is not legally complex. The sole question of appeal is whether this Court abused its discretion in denying the motion *See United States v. Willard*, 481 Fed. App'x. 915 (5th Cir. June 26, 2012) (interests of justice did not entitle defendant to appointed counsel where the motion "did not involve complicated or unresolved issues.").

The Court GRANTS Barbosa's motion (D.E. 65) to appeal *in forma pauperis*, but DENIES his motion (D.E. 66) to appoint counsel on appeal.

SIGNED and ORDERED this 29th day of June, 2015.



Janis Graham Jack
Senior United States District Judge